

# Exhibit B



**USAID**  
FROM THE AMERICAN PEOPLE

*Office of the General Counsel*

MAY 22 2012

Via Certified Mail/Return Receipt Requested

Scott D. Gilbert, Esq.  
Gilbert LLP  
1100 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005

Re: *Tort Claims of Alan P. and Judith E. Gross*

Dear Mr. Gilbert:

The purpose of this letter is to inform you of the decision of the United States Agency for International Development (USAID) concerning the administrative tort claims of Mr. and Mrs. Gross that you submitted on December 2, 2011. You are advised that these tort claims are hereby denied.

The claims were considered under the Federal Tort Claims Act (FTCA) (28 U.S.C. §§ 1346(b), 2671 – 2680), under which the United States Government is authorized to consider and settle administratively tort claims arising from the negligent or wrongful act or omission of an employee of the Federal Government acting within the scope of his or her employment. However, the FTCA contains a foreign country exception, 28 U.S.C. § 2680(k), pursuant to which the claims of both Mr. and Mrs. Gross are barred. In addition, after a thorough review of the available facts, we have found no evidence of any negligence of any employee of USAID that is compensable under the FTCA.

If the claimants are dissatisfied with this determination under the FTCA, they may file suit in an appropriate United States District Court not later than six months after the date of mailing of this notification of denial. 28 U.S.C. § 2401(b). This information should not be taken to imply that any such suit, if filed, would be successful.

Sincerely,

Lisa Gomer  
General Counsel